

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:)	
)	
ANAMIKA SHARMA, M.D.)	Case No. 800-2014-003137
)	
Physician's and Surgeon's)	
Certificate No. A88454)	
)	
Respondent.)	
_____)	

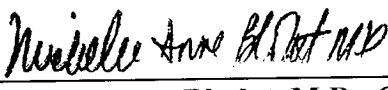
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby adopted by the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on April 5, 2017.

IT IS SO ORDERED March 6, 2017.

MEDICAL BOARD OF CALIFORNIA

By: 
**Michelle Anne Bholat, M.D., Chair
Panel B**

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 EMILY L. BRINKMAN
Deputy Attorney General
4 State Bar No. 219400
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5742
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E-mail: Emily.Brinkman@doj.ca.gov
7 *Attorneys for Complainant*

8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **ANAMIKA SHARMA, M.D.**

13 42170 Camino Santa Barbara
14 Fremont, CA 94539

15 **Physician's and Surgeon's Certificate No.**
A88454

16 Respondent.

Case No. 800-2014-003137

OAH No. 2016070074

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPRIMAND

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
22 of California (Board). She brought this action solely in her official capacity and is represented in
23 this matter by Xavier Becerra, Attorney General of the State of California, by Emily L. Brinkman,
24 Deputy Attorney General.

25 2. Respondent Anamika Sharma, M.D. (Respondent) is represented in this proceeding
26 by attorney Joseph S. Picchi, Esq., whose address is: 2300 Contra Costa Boulevard, Suite 350
27 Pleasant Hill, CA 94523-2398
28

1 3. On or about August 4, 2004, the Board issued Physician's and Surgeon's Certificate
2 No. A88454 to Anamika Sharma, M.D. (Respondent). The Physician's and Surgeon's Certificate
3 was in full force and effect at all times relevant to the charges brought in Accusation No. 800-
4 2014-003137, and will expire on November 30, 2017, unless renewed.

5 **JURISDICTION**

6 4. Accusation No. 800-2014-003137 was filed before the Board, and is currently
7 pending against Respondent. The Accusation and all other statutorily required documents were
8 properly served on Respondent on November 17, 2015. Respondent timely filed her Notice of
9 Defense contesting the Accusation.

10 5. A copy of Accusation No. 800-2014-003137 is attached as exhibit A and incorporated
11 herein by reference.

12 **ADVISEMENT AND WAIVERS**

13 6. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Accusation No. 800-2014-003137. Respondent has also carefully read,
15 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
16 Disciplinary Order.

17 7. Respondent is fully aware of her legal rights in this matter, including the right to a
18 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
19 the witnesses against her; the right to present evidence and to testify on her own behalf; the right
20 to the issuance of subpoenas to compel the attendance of witnesses and the production of
21 documents; the right to reconsideration and court review of an adverse decision; and all other
22 rights accorded by the California Administrative Procedure Act and other applicable laws.

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 **CULPABILITY**

26 9. For the purpose of resolving the charges and allegations in the Accusation, without
27 the expense and uncertainty of further proceedings, Respondent agrees that the charges and
28 allegations in the Accusation, if proven at a hearing, constitute cause for imposing discipline upon

1 her Physician's and Surgeon's certificate and she agrees to be bound by the Board's imposition of
2 discipline as set forth in the Disciplinary Order below.

3 10. The admissions made by Respondent herein are only for the purposes of
4 this proceeding or any other proceedings in which the Medical Board of California or other
5 professional licensing agency is involved, and shall not be admissible in any other criminal or
6 civil proceedings.

7 **CONTINGENCY**

8 11. This stipulation shall be subject to approval by the Medical Board of California.
9 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
10 Board of California may communicate directly with the Board regarding this stipulation and
11 settlement, without notice to or participation by Respondent or her counsel. By signing the
12 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
13 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
14 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
15 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
16 action between the parties, and the Board shall not be disqualified from further action by having
17 considered this matter.

18 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
19 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
20 signatures thereto, shall have the same force and effect as the originals.

21 13. In consideration of the foregoing admissions and stipulations, the parties agree that
22 the Board may, without further notice or formal proceeding, issue and enter the following
23 Disciplinary Order:

24 **DISCIPLINARY ORDER**

25 **A. PUBLIC REPRIMAND.**

26 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A88454 issued
27 to Respondent Anamika Sharma, M.D., shall be and hereby is publicly reprimanded pursuant to
28 Business and Professions Code section 2227. This Public Reprimand is issued in connection with

Respondent's treatment of a single patient as it pertains to performing liposuction and maintaining adequate medical records as set forth in the Accusation.

B. CLINICAL TRAINING PROGRAM.

Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a clinical training or educational program equivalent to the Physician Assessment and Clinical Education Program (PACE) offered at the University of California - San Diego School of Medicine (Program). Respondent shall successfully complete the Program not later than six (6) months after Respondent's initial enrollment unless the Board or its designee agrees in writing to an extension of that time.

The Program shall consist of a Comprehensive Assessment program comprised of a two-day assessment of Respondent's physical and mental health; basic clinical and communication skills common to all clinicians; and medical knowledge, and shall include an evaluation and assessment of Respondent's training, competency, skill and judgment pertaining to the area of cosmetic surgery and procedures. The Program shall contain, at minimum, a 40 hour program of clinical education in the area of cosmetic surgery and procedures, and which takes into account data obtained from the assessment, Decision(s), Accusation(s), and any other information that the Board or its designee deems relevant. Respondent shall pay all expenses associated with the clinical training program.

Based on Respondent's performance and test results in the assessment and clinical education, the Program will advise the Board or its designee of its recommendation(s) for the scope and length of any additional educational or clinical training, treatment for any medical condition, treatment for any psychological condition, or anything else affecting Respondent's practice of medicine. Respondent shall comply with Program recommendations.

At the completion of any additional educational or clinical training, Respondent shall submit to and pass an examination. Determination as to whether Respondent successfully completed the examination or successfully completed the program is solely within the Program's jurisdiction.

///


1 If Respondent fails to enroll, participate in, or successfully complete the clinical training
2 program within the designated time period, Respondent shall receive a notification from the
3 Board or its designee to cease practice of medicine within three (3) calendar days after being so
4 notified. The Respondent shall not resume the practice of medicine until enrollment or
5 participation in the outstanding portions of the clinical training program have been completed. If
6 the Respondent did not successfully complete the clinical training program, the Respondent shall
7 not resume the practice of medicine until a final decision has been rendered on the accusation
8 and/or petition to revoke probation.

9 Failure to enroll, participate in, or successfully complete the Clinical Training Program
10 within the designated time period shall constitute unprofessional conduct and grounds for further
11 disciplinary action.

12 ACCEPTANCE


13 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
14 Reprimand and have fully discussed it with my attorney, Joseph S. Picchi, Esq.. I understand the
15 stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this
16 Stipulated Settlement and Disciplinary Order for Public Reprimand voluntarily, knowingly, and
17 intelligently, and agree to be bound by the Decision and Order of the Medical Board of
18 California.

19
20 DATED: 02/07/2017


21 ANAMIKA SHARMA, M.D.
Respondent

22 I have read and fully discussed with Respondent Anamika Sharma, M.D. the terms and
23 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order
24 for Public Reprimand. I approve its form and content.

25
26 DATED: 2/8/17


27 JOSEPH S. PICCHI, ESQ.
Attorney for Respondent

28 ///

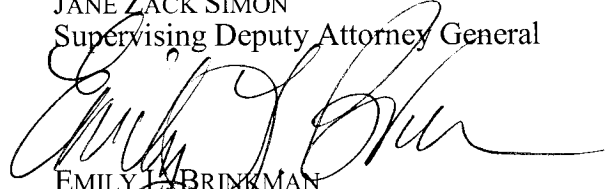
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: 2/10/2017

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General



EMILY L. BRINKMAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2014-003137

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO November 17 20 15
BY R. FIRDAYS ANALYST

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 EMILY L. BRINKMAN
Deputy Attorney General
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6 Facsimile: (415) 703-5843
E-mail: Emily.Brinkman@doj.ca.gov
7 *Attorneys for Complainant*

8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 800-2014-003137

12 **Anamika Sharma, M.D.**
42170 Camino Santa Barbara
13 Fremont, CA 94539

A C C U S A T I O N

14 **Physician's and Surgeon's Certificate**
15 **No. A88454,**

Respondent.

16
17
18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer
22 Affairs (Board).

23 2. On or about August 4, 2004, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A88454 to Anamika Sharma, M.D. (Respondent). The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein
26 and will expire on November 30, 2017, unless renewed.

27 ///

28 ///

JURISDICTION

3. This Accusation is brought before the Board,¹ under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper..

5. Section 2234 of the Code, states, in relevant part:

“The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

“(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

“(b) Gross negligence.

“(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

“(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

“(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

“(d) Incompetence.

¹ The term “Board” means the Medical Board of California. “Division of Medical Quality” or “Division” shall also be deemed to refer to the Board (Bus. & Prof. Code section 2002).

6. Section 2266 of the Code states: "The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct."

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Gross Negligence, and/or Repeated Negligent Acts, and/or Incompetence)

7. Respondent is subject to disciplinary action under sections 2234 [unprofessional conduct], and/or 2234(b) [gross negligence], and/or 2234(c) [repeated negligent acts], and/or 2234(d) [incompetence/lack of knowledge] in the care she provided to Patient SA.² The circumstances are as follows:

8. Respondent is board certified by the American Board of Pediatrics and she practices as a pediatrician part time. Respondent also practices cosmetic surgery at Physician's Skin and Weight Center³ at the San Jose/Campbell location.

9. On or about January 19, 2012, Patient SA, a then 27 year old female, went to the San Jose/Campbell Physician's Skin and Weight Center for a consultation for SmartLipo⁴ (to her thighs from the knee to the buttock) and laser skin rejuvenation. The consultant recommended that SmartLipo be performed. Patient SA completed several pre-printed forms, including an "Information Regarding Patients with High BMI [body mass index]" form and a "Consent for Surgical Procedure and/or Treatment" form. On the "Consent for Surgical Procedure" form,

² Patient initials will be used to protect the patient's privacy. Respondent may learn the identity of the patient through the discovery process.

³ Physician's Skin and Weight Center is owned by Dr. SM, who also serves as the Medical Director. Dr. SM owns and operates four additional Physician's Skin and Weight Centers in Northern California.

⁴ SmartLipo, another name for laser liposuction, is a procedure that combines heat and a small cannula (two to four millimeters in diameter and 15 to 50 centimeters in length) to suction fat from the body. Only local anesthesia is used during the procedure. Respondent uses a form of tumescent local anesthesia known as "super wet." This "super wet" anesthesia involves the injection of large volumes of saline mixed with lidocaine and epinephrine into the subcutaneous plane of the body. This causes the tissue to become turgid to assist in fat aspiration. Given the large volumes of liquid, accompanied by the administration of lidocaine in doses several times higher than the recommended dosages, blood loss and serious complications can occur.

1 Patient SA checked the boxes for surgery to be performed on her outer thighs, inner thighs, knees,
2 and "banana rolls"⁵.

3 10. Patient SA also completed a pre-printed "SmartLipo Medical History and Intake"
4 form where she circled the following medical issues: recreational drugs, recent weight loss or
5 gain, contact lenses, depression, anxiety, and hospitalizations. Patient SA then wrote that she had
6 trouble with anxiety and depression in her twenties; she gained 30 pounds in the past year
7 following a broken ankle; and she was hospitalized three years ago for a broken nose. There is no
8 further discussion or documentation about the patient's use of recreational drugs. On this same
9 form, Patient SA wrote that she has smoked five cigarettes per day for the past two years. Patient
10 SA also wrote that she gets "drunk every Saturday night." There is no further discussion or
11 documentation in the medical record about the patient's alcohol or cigarette use.

12 11. After the initial patient consultation, preoperative lab testing was performed, which
13 revealed an elevated hematocrit⁶ and an elevated fasting glucose level⁷. An EKG was also
14 performed. There is no mention in the medical records of any further workup or physical
15 examination, nor any notation that Patient SA was notified of the elevated hematocrit and glucose
16 levels. Surgery was scheduled for February 8, 2012. There was also no preoperative discussion
17 or documentation in the medical records about the surgical goals. Respondent also did not
18 conduct a urine pregnancy test before surgery to ensure the patient was not pregnant.

19 12. On or about January 25, 2012, Patient SA arrived at Physician's Skin and Weight
20 Center for a pre-procedural evaluation by a Licensed Vocational Nurse (LVN). The "Pre-
21 Procedural Evaluation for SmartLipo" form indicated that Patient SA was 5'5", 156.6 pounds,
22 and had a BMI of 26.1 at the time of the surgery. The LVN took a circumference measurement of
23 the patient's left and right thighs (inner and outer) and her knees. There is no record in the file
24 that Patient SA met with Respondent, or any other physician, before the surgery.

25 ⁵ A banana roll is a pocket of fat located on the top of the thigh and below the crease of the
26 buttock. This area contains subcutaneous fat that can often support the buttock.

26 ⁶ Hematocrit is the volume percentage of red blood cells in the blood. Hematocrit levels
27 can serve as indicators for other health conditions, hence the importance of performing before
28 surgery.

⁷ Glucose level is the amount of sugar in the blood.

1 13. On or about February 8, 2012, Respondent performed SmartLipo on Patient SA.
2 Additional leg circumference measurements were taken of the patient's knees and thighs. Patient
3 SA was pre-medicated with Vicodin (a pain medication), Ativan (an anti-anxiety medication), and
4 Keflex (an antibiotic) before the surgery. Respondent infused the patient with 5.9 liters of
5 tumescent fluid containing 50 milliliters (ml) per liter of lidocaine⁸ with one ml of epinephrine
6 (500 milligrams (mg) of lidocaine per liter). Patient SA received 2,950 mg of lidocaine. A dose
7 of more than 2,481 mg of lidocaine could be potentially toxic to Patient SA. Respondent noted
8 that she removed "2400 cc"⁹ of aspirate, of which "1,400 cc" was deemed fat.

9 14. On or about September 17, 2012, at the six month follow-up appointment, Patient SA
10 expressed concern about the results, and that she expected more of a noticeable change to her
11 thighs. The note indicated that Patient SA would be scheduled to meet with Respondent to
12 "address her concerns." Leg circumference measurements were taken at the two other post-
13 operative follow-up appointments as well.

14 15. On or about December 17, 2012, staff at Physician's Skin and Weight Center
15 completed a pre-procedure checklist for SmartLipo revision surgery scheduled for December 19,
16 2012 with Respondent. No new lab work was performed, including the failure to conduct a
17 pregnancy test. The patient was advised to stop smoking two weeks before the surgery but the
18 surgery was already scheduled to take place in two days from this pre-operative appointment.

19 16. On or about December 19, 2012, Patient SA underwent a second SmartLipo
20 procedure in order to try to reduce the contour differences. Respondent infused 2.8 liters of
21 tumescent fluid into Patient SA's thighs and removed "1,800 cc" of total aspirate, of which "800
22 cc" was fat.

23 17. The patient continued to see staff at Physician's Skin and Weight Centers for follow-
24 up appointments. Staff continued recording thigh circumference measurements. At the six month

25 ⁸ Lidocaine is a local anesthetic that blocks nerve signals to the brain. It is used to numb
26 areas of the body before invasive procedures to reduce pain. Lidocaine levels peak several hours
27 after tumescent fluid is injected into the body, which can result in toxic blood levels. The
28 American Society of Plastic Surgeons and American Society of Aesthetic Plastic Surgeon
guidelines reflect that a patient should not receive more than 35 mg/kg.

⁹ A cc is a cubic centimeter and is equivalent to one milliliter.

1 follow-up appointment the patient expressed dissatisfaction with her results. She indicated that
2 people would comment about "indentations" to her thighs, that she had pain in her legs, and veins
3 were "popping out" in her thighs. Patient SA informed staff that she had an estimate for a
4 revision surgery from another surgeon for \$4,000. Staff scheduled a follow-up appointment with
5 Dr. SM because Patient SA refused to see Respondent.

6 18. On or about September 25, 2013, Patient SA met with Dr. SM to discuss her
7 concerns. Dr. SM noted that that patient had "irregular thighs" and that Patient SA was "not
8 happy" with the results. Dr. SM wrote that she "advised correction" to the thighs. No further
9 information was included in the record about the extent of the revision or which portion of the
10 thighs needed correction.

11 19. The post-operative pictures of the patient clearly show dents and waviness in the
12 thighs; however, the photos Respondent provided are not labeled and appear to be out of order
13 making it difficult to determine the overall effectiveness of the initial surgery and subsequent
14 revision surgery.

15 20. Respondent is guilty of unprofessional conduct and subject to disciplinary action
16 under sections 2234 [unprofessional conduct], and/or 2234(b) [gross negligence], and/or 2234(c)
17 [repeated negligent acts], and/or 2234(d) [incompetence/lack of knowledge], including, but not
18 limited to the following:

19 a. Respondent provided a potentially toxic dose of lidocaine to Patient SA during
20 surgery on February 8, 2012;

21 b. Respondent's use of SmartLipo on Patient SA's entire thigh circumference shows a
22 lack of knowledge because this procedure should not be used to contour such large areas without
23 expecting to see dents and waviness.

24 c. Respondent failed to recognize that Patient SA was not an appropriate candidate for
25 SmartLipo surgery.

26 d. Respondent failed to address Patient SA's cigarette usage before performing surgery;

27 e. Respondent failed to adequately inform Patient SA of the risks associated with
28 smoking, drinking, and recreational drug use before surgery.

1 f. Respondent failed to perform a pregnancy test before performing both surgeries on
2 Patient SA.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Inadequate Medical Record Keeping)**

5 21. Respondent is subject to discipline under section 2266 [inadequate medical record
6 keeping] of the Code as alleged in paragraphs 7 through 20 which are herein incorporated by
7 reference, as if fully set forth below, as well as in the following information.

8 22. Respondent failed to document any preoperative discussion with Patient SA about the
9 surgical goals in January 2012, including the failure to take a complete history and physical.

10 23. Respondent also failed to document any discussion with Patient SA about the elevated
11 hematocrit and blood glucose levels identified in the preoperative lab report from January 2012.

12 24. The before and after photographs of Patient SA are out of order and do not include
13 dates making it difficult to determine the effectiveness of the initial surgery and revision surgery.

14 25. Respondent failed to document the discussion with Patient SA about the risks of
15 cigarette use before performing surgery.

16 26. Respondent is guilty of unprofessional conduct and subject to disciplinary action
17 under section 2266 of the Code based on her inadequate medical record keeping.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the Medical Board of California issue a decision:

21 1. Revoking or suspending Physician's and Surgeon's Certificate Number A88454,
22 issued to Anamika Sharma, M.D.;

23 2. Revoking, suspending or denying approval of Anamika Sharma, M.D.'s authority to
24 supervise physician assistants, pursuant to section 3527 of the Code;

25 3. Ordering Anamika Sharma, M.D., if placed on probation, to pay the Board the costs
26 of probation monitoring; and

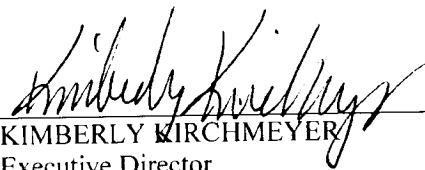
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1 4. Taking such other and further action as deemed necessary and proper.

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DATED: November 17, 2015


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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